

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS**

**Willow Lake School District  
Continuous Improvement Monitoring Process Report 2004-2005**

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**Dates of On Site Visit:** November 8, 2004

**Date of Report:** November 28, 2004

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This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

<b>Promising Practice</b>	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
<b>Meets Requirements</b>	The district/agency consistently meets this requirement.
<b>Needs Improvement</b>	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
<b>Out of Compliance</b>	The district/agency consistently does not meet this requirement.
<b>Not applicable</b>	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

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<b>Principle 1 – General Supervision</b>
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

**Steering Committee Self-Assessment Summary**

- Data sources used:
- District/agency instructional staff information
- Suspension and expulsion information
- Statewide assessment information
- Enrollment information
- Placement alternatives

- Disabling conditions
- Exiting information
- Parent survey
- Referrals
- Publications of child find notices
- Comprehensive plan
- Yearly child find results

### **Meets requirements**

The steering committee concluded the district has a system for receiving and documenting referrals. The comprehensive plan addresses procedures for child identification and a census of children birth through five years old is maintained by the district. There are no district students placed in private schools. The district uses relevant school data to analyze and review progress toward the state performance goals/indicators. The school district adheres to the state guidelines for reporting of students suspended, expelled or dropped out of school.

Elementary and secondary level teachers are provided copies of each child's IEP. The district employs trained special education teachers who have the skills and knowledge necessary to meet the needs of children with disabilities. The district provides on going training for special education teachers to meet the needs of their specific caseload.

### **Needs improvement**

The steering committee concluded referral documentation was present in the files for 12 of the 13 students referred for an initial evaluation.

### **Out of compliance**

The steering committee concluded high school teachers are evaluated according to the board policy; however, elementary staff is not evaluated on a yearly basis.

## **Validation Results**

### **Meets requirements**

The monitoring team agrees with all areas identified as meeting requirements under general supervision as concluded by the steering committee.

The monitoring team could not validate referral documentation as an area in need of improvement. Referral documentation was present in the files of three students who were initially evaluated.

### **Out of compliance**

The steering committee's concern regarding board policy and teacher evaluations is not an area addressed through this review process.

### **ARSD 24:05:17:03. Annual report of children served**

The monitoring team was unable to validate an IEP was in effect on December 1<sup>st</sup>, 2003 for four students who were listed on the district's 2003 child count.

## **Principle 2 – Free Appropriate Public Education**

All eligible children with disabilities are entitled to a free appropriate public education (FAPE) in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to

children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3<sup>rd</sup> birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

### **Steering Committee Self-Assessment Summary**

Data sources used:

- District/agency instructional staff information
- Suspension and expulsion information
- Statewide assessment information
- Enrollment information
- Placement alternatives
- Disabling conditions
- Exiting information
- Personnel development education
- Personnel training
- Comprehensive plan
- Surveys
- Number of students screened
- Preschool data
- School age student data
- Budget information

#### **Promising practice**

The steering committee concluded the Willow Lake School District has a preschool program for four years olds.

#### **Meets requirements**

The steering committee concluded the district follows state and federal regulations to ensure FAPE is provided to all children with disabilities.

### **Validation Results**

#### **Promising practice**

The monitoring team agrees the district preschool program is a promising practice as concluded by the steering committee. The preschool is held three half days at no cost to parents. This integrated program, for all four year olds, allows student with and without disabilities to participate in the least restrictive environment. Preschool, occupational therapy, physical therapy and speech services are provided in preschool setting.

#### **Meets requirements**

The monitoring team agrees with all areas identified as meeting requirements under free appropriate public education as concluded by the steering committee.

### **Principle 3 – Appropriate Evaluation**

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

## **Steering Committee Self-Assessment Summary**

Data sources used:

- Enrollment information
- Placement alternatives
- Disabling conditions
- Exiting information
- Teacher file reviews
- Surveys
- Comprehensive plan
- Parent teacher report forms
- Initial referral

### **Meets requirements**

The steering committee concluded the district provides written notice to parents five days prior to proposing or refusing to initiate or change the child's identification or evaluation. Parental consent is obtained prior to the evaluation and children are assessed in all areas identified on the prior notice. Transition evaluations are conducted prior to the students turning 16 years old and more than one evaluation tool is administered.

The areas to be evaluated are determined by a "team" of people including the referring person, special education teacher, parent, school psychologist and administrator. A multidisciplinary team (MDT) report is developed for all students with learning disabilities. Parents receive copies of test results. Those results are explained to the parents and are used to develop the individual education program (IEP). Copies of the evaluation reports are sent to parents with the prior notice for the IEP meeting or given to them at the IEP meeting. Students are evaluated to determine eligibility or to determine that services are no longer required.

### **Needs improvement**

The steering committee concluded reevaluations need to be conducted every 3 years.

### **Out of compliance**

The steering committee concluded that all tests listed on the prior notice/consent need to be administered including functional assessment. The district needs to consistently obtain parental input into the evaluation process.

## **Validation Results**

### **Meets requirements**

The monitoring team agrees that parents are given five days notice prior to placement and IEP meetings, and areas included on the written prior notice for evaluation are assessed. Transition evaluations are administered to students prior to their 16<sup>th</sup> birthday. Evaluation results are explained to parents and they are provided copies. Additional information regarding the use of evaluation information to develop the IEP can be found under principle 5, individual education program.

### **Out of compliance**

#### **ARSD 24:05:30:04. Prior notice and parent consent**

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or

(2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

Through a review of student records, prior notice/consent for evaluation was not available for two students. Assessments were administered for four students that were not included on the prior notice/consent signed by the parents. For example, an adaptive behavior evaluation and autism rating scale was administered for a student without parent consent. Through interview and a review of student records, the team found that district staff was using different prior notice documents. One of the documents did not contain the required prior notice content of options the district considered and why they were rejected, description of data used as a basis for the action or other factors relevant to the proposal.

#### **ARSD 24:05:25:03. Pre-placement evaluation**

Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. Evaluations must be completed within 25 school days after receipt by the district of signed parent consent to evaluate unless other timelines are agreed to by the school administration and the parents. Consent for initial evaluation may not be construed as consent for initial placement.

The monitoring team agrees the district needs to consistently obtain parental input in the evaluation process. Parent input was not evident in 75% of the files reviewed.

#### **ARSD 24:05:25:06. Reevaluations**

Reevaluations shall be conducted at least every three years or if conditions warrant or if the child's parent or teacher requests an evaluation. Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

- (1) Determining whether the child continues to have a disability;
- (2) Determining whether the child continues to need special education and related services; and
- (3) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum.

Through a review of student records, the monitoring team identified six students who did not have a reevaluation conducted at least every three years.

#### **Issues Requiring Immediate Attention**

##### **ARSD 24:05:25:06. Reevaluations**

##### **ARSD 24:05:22:03. Certified child**

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

The review team identified the following issues:

1. A reevaluation conducted 4-29-03 did not yield eligibility scores for a student. An addendum meeting was held stating the team's decision to keep this student on an IEP, "to ensure supports in the regular classroom are kept in place." An override was not developed nor was an IEP written.

2. The data from a 2001 evaluation did not yield edibility scores for a student even though the evaluation report and the written report stated otherwise. This student's reevaluation was due 3-25-04. There is no evidence this evaluation has been conducted.
3. A reevaluation for a student was due on 5-31-03. There is no evidence this evaluation has been conducted.
4. The evaluation report of 1-17-03 stated "it is recommended the IEP committee consider the student ineligible for special education services." A written report or eligibility document was not available. There was no evidence of the override provision. An IEP was written on 9-30-03.

**ARSD 24:05:25:12. Written report for specific learning disabilities**

The team shall prepare a written report of the results of the evaluation for specific learning disabilities.

**ARSD 24:05:25:04.03. Determination of eligibility**

Upon completing the administration of tests and other evaluation materials as required by this chapter, the individual education program team and other individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

Through a review of student records, the monitoring team did not locate a written report or eligibility document for three students. An eligibility document for one student indicated they were eligible under the category of other health impaired. This student was reported on child count as having a learning disability. A written report for another student did not contain the team's signatures.

<b>Principle 4 – Procedural Safeguards</b>
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Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

**Steering Committee Self-Assessment Summary**

Data sources used:

- Complaint Data
- Hearing data
- Surveys
- Parental right document
- Public awareness information
- Teacher file reviews
- Comprehensive plan
- Consent and prior notice forms
- FERPA disclosure

**Meets requirements**

The steering committee concluded that parent consent is obtained for special education placement. The district will appoint a surrogate parent to protect the rights of a child. District policy and procedure provides all parents the opportunity to inspect and review educational records concerning their child. The district comprehensive plan includes complaint procedures and policies to ensure parents are notified of their rights.

## **Validation Results**

### **Meets requirements**

The monitoring team agrees with all area identified as meeting requirement under procedural safeguards as concluded by the steering committee.

## **Principle 5 – Individualized Education Program**

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

### **Steering Committee Self-Assessment Summary**

Data sources used:

- Parent surveys
- Student surveys
- Comprehensive plan
- Teacher file reviews
- Personnel training
- Budget information

### **Meets requirements**

The steering committee concluded transition evaluations are conducted and a statement of transition services/activities is documented before the student turns 16 years old. Life planning outcomes are documented for students turning age 14. Written prior notice indicates a purpose for the meeting, agency participations is considered and the student is invited to attend the meeting. The district comprehensive plan addresses the transition of children into the Part B program. Services begin as soon as possible after the IEP is developed.

The district provides written notice five days prior to the IEP meeting. Teachers receive copies of their students IEPs and they are reviewed annually. Annual goals are skill based, measurable and link to the present levels of performance and functional assessment. Related services and the need for extended school year services are documented in the IEP.

### **Needs Improvement**

The steering committee concluded, the IEP team needs to include all required members. Meetings need to be held within 30 calendar days of receipt of evaluation results. Short term instructional objectives need to consistently contain the condition, performance and criteria.

### **Out of Compliance**

The steering committee concluded the present levels of performance did not consistently contain the student's strengths, weakness and the student's involvement/progress in the general curriculum. The IEP needs to include how and when progress will be reported to parents. Progress reports at the middle school and high school level need to report progress towards the annual goals.

Transition services did not consistently represent a coordinated set of activities which link the student's transition assessments, present levels of performance, life planning outcomes, goals and services.

## **Validation Results**

### **Meets requirements**

The monitoring team agrees transition evaluations are conducted and life planning outcomes are documented for students turning age 14. The district provides five day written prior notice which includes the purpose of the meeting. The participation of agency representatives is considered and the student is invited to attend the meeting. The district comprehensive plan addresses the transition of children into the Part B program. Teachers receive copies of their students IEPs, related services and the need for extended school year services is documented in the IEP.

### **Needs improvement**

The monitoring team agrees the district needs to consistently conduct the IEP meeting within 30 calendar days of receipt of evaluation results. This timeline was exceeded in one student file reviewed. Short term instructional objectives need to consistently contain the condition, performance and criteria. Objectives occasionally omitted how well or how often the student must perform the skill to meet criteria.

The team reviewed two files of students who were scheduled to graduate in May of 2004. The graduation requirement for those students simply stated "22 credits". The individual educational program shall state specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements.

### **Out of compliance**

#### **ARSD 24:05:27:01.01. IEP team**

Each school district shall ensure that the IEP team for each student with disabilities includes the following members:

- (1) The parents of the student;
- (2) At least one regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- (3) At least one special education teacher of the student or, if appropriate, at least one special education provider of the student;
- (4) A representative of the school district who:

Through a review of student records, the IEP team meeting for three students did not include all required members. The regular educator was not present for two students and a district representative was not present for one student.

### **Issues requiring immediate attention:**

#### **ARSD 24:05:27:08. Yearly review and revision of individual educational programs**

Each school district shall initiate and conduct IEP team meetings to periodically review each child's individual educational program and, if appropriate, revise its provisions. An IEP team meeting must be held for this purpose at least once a year.

Through a review of student records, the monitoring team identified two students whose annual review exceeded the annual timeline. Two students did not have a meeting to review the IEP at least annually and do not appear to have a current IEP (one expired 5-12-04 and the other expired 11-26-04).

### **Issues requiring immediate attention:**

#### **ARSD 24:05:27:01.03. Content of individualized education program**

Each student's individualized education program shall include:

- (1) A statement of the student's present levels of educational performance, including:



- (a) How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled students); or
    - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
  - (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
    - (a) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum; and
    - (b) Meeting each of the student's other educational needs that result from the student's disability.
1. An IEP written 12-15-03, states this student has met her goals and that she does not need to be on an IEP. An IEP was developed for this student with a goal indicating she should self monitor her regular classroom grades with no prompts.
  2. An IEP written 5-12-03, appears to be the current IEP for the student. Only the cover sheet for this IEP was made available to the monitoring team.
  3. An IEP written 11-26-03, for a student did not contain goals or objectives. An IEP following the 2-26-04 evaluation was not made available to the review team.
  4. The only goal in an IEP written 11-20-03 for this student stated she would break down assignments into workable parts. The 2004 IEP was not made available to the review team.

In addition to the issues above, the monitoring team reviewed the IEPs for six other students. The programs for these students have not been developed to confer benefit to the student and enable the student to be involved and progress in the general curriculum. For example, a student's disability was in the area of written expression and reading, while the only goal in the IEP addressed math skills. Another student's disability affected written expression and the only goal in the IEP addressed reading. Another student's disability affected math and written expression and the only goal in the IEP was to finish assignments on time.

#### **ARSD 24:05:27:01.03. Content of individualized education program**

Each student's individualized education program shall include:

- (1) A statement of the student's present levels of educational performance, including:
  - (a) How the student's disability affects the student's involvement and progress in the general curriculum.
- (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
  - (a) Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum.

#### **ARSD 24:05:25:04. Evaluation procedures**

School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (5) A variety of assessment tools and strategies are used to gather relevant functional and development information about the child, including information provided by the parents that may assist in determining:
  - (a) Whether the child is a child with a disability; and
  - (b) The content of the child's IEP.

Through a review of 15 student records, present levels of performance did not consistently link to functional evaluation and did not contain the student's strengths, needs or their involvement/progress in the general curriculum. For example, the strengths for a student with a reading disability listed the following:

- hard worker
- positive attitude

-more organized

The student's needs included:

- modifications of tests in Psychology and Sociology
- help structuring or planning her time for large assignments like research papers
- help with government worksheets, the reading overwhelms her sometimes

Present levels of performance typically did not reflect data gathered through functional assessment or include skills related to the student specific disability. Transition strengths and needs were not included in the present levels of performance. Annual goals did not consistently specify skills the student could reasonably accomplish within a 12 month period. For example, "When given a passage to read (student) will comprehend with 100% accuracy." Counseling was identified as a related service for two students. The IEP did not contain goal and objective related to this area for either student.

**ARSD 24:05:27:01.03. Content of individualized education program**

Each student's individualized education program shall include:

- (7) A statement of:
  - (a) How the student's progress toward the annual goals described in this section will be measured; and
  - (b) How the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled student's progress of:
    - (i) Their student's progress toward the annual goals; and
    - (ii) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

The monitoring team agrees with the steering committee's conclusion pertaining to progress reports. Through a review of nine student records, the IEPs did not include how the student's progress would be measured, how the parents would be informed or how often progress would be reported. There was no evidence in the middle school or high school records that progress was being reported towards the annual goals.

**ARSD 24:05:27:01.03. Content of individualized education program**

Each student's individualized education program shall include:

- (4) An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in activities described in this section.

Through a review of nine student records, the justification for placement did not include an explanation of why the student could not participate with his non-disabled peers. For example, "we accept placement in the general classroom with modification. ...is in all regular education classes except for English". This student also came to the resource room for 50 minutes, twice per week, from study hall.

**ARSD 24:05:27:13 Modifications to regular vocational program**

**ARSD 24:05:27:13.02 Transition services**

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, the acquisition of daily living skills and functional vocational evaluation.

The monitoring team agrees with the steering committees conclusions regarding transition services. Through a review of six student records, the monitoring team found transition evaluations were administered for students approaching transition age. The evaluation information was not used in the

present levels of performance or to identify services needed by the students. Transition justification statements indicated what the student was doing at the time of the IEP. Transition activities are not being utilized as a planning device to help ensure the students achieved their desired outcomes for employment and independent living.

## **Principle 6 – Least Restrictive Environment**

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

### **Steering Committee Self-Assessment Summary**

Data sources used:

- Statewide assessment information
- Enrollment information
- Placement alternatives
- Disabling conditions
- Exiting information
- File reviews
- Surveys

#### **Meets requirements**

The steering committee concluded the district has policies and procedures in place for addressing the least restrictive environment for students.

### **Validation Results**

#### **Meets Requirements**

The monitoring team agrees with all areas identified as meeting requirements under least restrict environment as concluded by the steering committee.